

The Washington City Council met in a regular session on Monday, September 8, 2014 at 5:30pm in the City Council Chambers at the Municipal Building. Present were: Mac Hodges, Mayor; Bobby Roberson, Mayor Pro tem; Doug Mercer, Councilman; William Pitt, Councilman; Richard Brooks, Councilman; Larry Beeman, Councilman; Brian M. Alligood, City Manager; Cynthia S. Bennett, City Clerk and Franz Holscher, City Attorney.

Also present were: Matt Rauschenbach, Administrative Services Director/C.F.O.; Stacy Drakeford, Police & Fire Services Director; Robbie Rose, Fire Chief; Allen Lewis, Public Works Director; Lynn Wingate, Tourism Director; Gloria Moore, Library Director; Susan Hodges, Human Resources Director; Keith Hardt, Electric Utilities Director; John Rodman, Community & Cultural Resources Director; David Carraway, IT Director and Mike Voss, Washington Daily News.

Mayor Hodges called the meeting to order and Councilman Pitt delivered the invocation.

APPROVAL OF MINUTES:

By motion of Councilman Mercer, seconded by Mayor Pro tem Roberson, Council approved the minutes of August 25, 2014 as presented.

APPROVAL/AMENDMENTS TO AGENDA:

By motion of Councilman Pitt, seconded by Councilman Brooks Council approved the agenda as presented.

CONSENT AGENDA: NONE

COMMENTS FROM THE PUBLIC: NONE

PUBLIC HEARING ON ZONING: NONE

SCHEDULED PUBLIC APPEARANCES:

BARBARA GASKINS – TRUNK OR TREAT

Ms. Barbara Gaskins stated this is the third year she has planned and implemented a trunk or treat event. Halloween can be a great time for children but it could be a time when children fall prey to potential predators. The event this year has been planned on October 31, 2014 at Beebe Park and is a safe alternative for our children. Ms. Gaskins requested the following:

- lighting
- traffic control
- waive fees
- candy donations

Police & Fire Service Director, Stacy Drakeford explained that he would have two patrol officers on shift that would frequent the event as well as distribute candy. Mr. Drakeford also explained his department would provide portable lighting for the event. Ms. Gaskins will need to contact Beaufort County Schools in order to use the adjacent vacant lot for parking. Ms. Gaskins is asking for Council to waive any fees that would be associated with this event, such as park rental and bleacher rental. Mayor Hodges and Mayor Pro tem Roberson suggested they would work with Ms. Gaskins to have local civic clubs sponsor the event.

CORRESPONDENCE AND SPECIAL REPORTS: NONE

REPORTS FROM BOARDS, COMMISSIONS AND COMMITTEES:
HUMAN RELATIONS COUNCIL

(begin HRC Report) SCHEDULED PUBLIC APPEARANCES: NONE

OLD BUSINESS:

Appointments – Chair and Vice-chair for Fiscal Year 2014-2015: Present chair Hughes opened the floor for nomination of Chair and Vice-chair to the Washington/Beaufort County Human Relations Council for FY 2014-15.

By motion of Board member Howard, seconded by Board member St. Clair, the Board appointed Allen Hughes as Chairman to the Washington/Beaufort County Human Relations Council. There being

no other names submitted for appointments, Board member Hughes accepted the position as Chairperson.

By motion of Board member Howard, seconded by Board member O'Pharrow, the Board appointed Remanda St. Clair as Vice-chair to the Washington/Beaufort County Human Relations Council. There being no other names submitted for appointments, Board member St. Clair accepted the position as Vice-chair.

Update – 2014 Pro's Weekend and 'National Night Out': Criminal Outreach Coordinator, Kimberly Grimes informed the Board that 12 NFL players attended the 2014 Pro's Weekend and shared this was an awesome event ~ the cookout at Festival Park was great. Ms. Grimes voiced there is always room for more participation and support from the community. There was a huge turnout for 'National Night Out' and she was very appreciative of the support from members of the Human Relations Council. Washington Housing Authority came on board this year as a "partner" in this event (National Night Out).

NEW BUSINESS:

Discussion – Attendance Policy: Chairman Hughes stated the City Code specifies that if you have three (3) unexcused absences in a twelve-month period you can be removed from the Board. Chairman Hughes explained Board member Babcock became a member in February of this year. Mr. Hughes has tried to contact Mr. Babcock several times and has attempted to call his home but to no avail.

Chairman Hughes recommended that Board member Babcock be removed as a member of the Washington/Beaufort County Human Relations Council and requested discussion from Board members. There being no discussions:

By motion of Chairman Hughes, seconded by Vice-chair St. Clair, the Board agreed to remove Mr. Babcock as a member of the Washington/Beaufort County Human Relations Council. The Board directed the secretary to prepare a written letter to be mailed to Mr. Babcock. This will leave one vacant position on the Board.

Discussion – Article III, Section 5 of Human Relations Council By-Laws: Chairman Hughes suggested there may have been some misunderstanding at the last HRC meeting and the he may have misspoken when speaking with former Board member Lodge. Ms. Lodge expressed her desire to be reappointed as a Board member to the Human Relations Council and he voiced we would like to have her back and to resubmit her application. The By-laws in Article III, Section 5 specifies "no person shall serve more than two (2) consecutive three-year terms". Ms. Lodge had served two consecutive three-year terms. According to the By-laws, Ms. Lodge is no longer eligible to be reappointed.

Chairman Hughes voiced he was bringing this to the Boards' attention because if the action of not reappointing Ms. Lodge presents a problem then the Board will need a recommendation to amend the By-laws. Mr. Hughes suggested maybe the reasoning behind the specification in the By-laws would be to seek new ideas from new members. Chairman Hughes opened the floor for discussion regarding amendments to the By-laws.

Board member Howard inquired if a person had served two (2) consecutive three-year terms and goes off the Board could that person return in another three years to serve ~ Chairman Hughes stated they could come back in one year. Chairman Hughes voiced former members are just required to take a break and if during that time, we don't receive other applicants who are interested, we can waived their (former member) application against the other applicants (if any) who wish to serve on the Human Relations Council. Also, he doesn't see why former members going off the Board can't continue to volunteer for other events ~ you do not have to be a member of the Human Relations Council to participate on other committees.

Chairman Hughes reiterated there is one vacancy. Board member Howard inquired what happens if we don't have any applicants for this vacant position. Chairman Hughes explained we have eleven Board members and eleven is enough for the Board to operate (*see partial insert of City Code). Council liaison Pitt inquired when Mr. Babcock's term would expire and it was confirmed the term would expire on June 30, 2016. Mr. Babcock was appointed to fill the un-expired term of Marisol Barr.

If we received other applications then the Board can appoint someone to fill this un-expired term. Board member O'Pharrow requested clarification on terms served and Chairman Hughes explained. Again, if a former Board member wishes to return they can submit a new application after the one year observance of being absent from the Board.

***"Note: "Partial insert of City Code" as pertained to tonight's meeting
Article XI. Human Relations Council****

Sec. 2-285. Created; members.

(a) Composition, appointment, term. The City Council may, at its discretion, create a Human Relations Council. The Council shall be composed of no less than seven (7) and no more than twelve (12) member appointed by the City Council in accordance with the provisions of section 2-531(a).

Following the discussion, there were no recommended changes on Article III, Section 5 of the Human Relations Council By-laws.

OTHER BUSINESS:

FYI - All FYI items and reminders were discussed inclusive of May 13, 2014 reports submitted to City Council, financial report with \$578.25 for FY 2013/2014 being reallocated to General Fund.

OPEN DISCUSSION:

Board member Hughes discussed potential items of business that need to be addressed at the next Human Relations Council meeting. Chairman Hughes and Board members determined that there is no regular business or special appearances that require a meeting for the month of September. Therefore, the next regular meeting will be held on Tuesday, October 14, 2014 at 6:30 pm.

Suggestions/Ideas – Input from new members regarding projects in the community:

- 1. Board member Recko suggested partnering with BCCC or the Housing Coalition for an all day event regarding a Housing Affair similar to a workshop (this event was sponsored about six year ago and was very well attended) – include with October Agenda for discussion under Old Business.***
- 2. Board member Lundy presented an idea of sponsoring a "Toys for Tots" program – include with October Agenda for discussion. Council liaison Pitt suggested that the Board may wish to consider manning the "Kettle Bell" as a group to show HRC support.***
- 3. Board member Wright suggested sponsoring a "Health Drive for the Elderly". Discussion followed: The Board decided not to duplicate or recreate activities in the community; it was suggested the Board, as a group, help spread the word in the community.***

****Reminder ~ the regular scheduled meeting for November 11, 2014 was canceled during the Board planning session in January 2014. Tuesday, November 11, 2014 is a holiday.(end HRC)***

APPOINTMENTS – TO VARIOUS BOARDS, COMMISSIONS, AND COMMITTEES

Washington Electric Utilities Advisory Board- By motion of Councilman Pitt, seconded by Councilman Brooks, Council appointed John Taylor to the Washington Electric Utilities Advisory Board, to fill the un-expired term of Pearson Chrismon (Town of Bath), term to expire June 30, 2015.

Historic Preservation Commission – By motion of Councilman Beeman, seconded by Councilman Brooks, Council appointed Stacey Thalmann to the Historic Preservation Commission to fill the un-expired term of Picott Harrington, term to expire June 30, 2016.

OLD BUSINESS: NONE

NEW BUSINESS

**ACCEPT AND APPROVE – RECOMMENDATION OF THE WATERFRONT DOCKS
ADVISORY COMMITTEE AND APPROVE THE EXPANSION OF LITTLE WASHINGTON
SAILING SCHOOL TO INCLUDE ALL OF DOCK "J"**

Mayor Pro tem Roberson asked John Rodman, Director of Cultural Resources to explain the request. The Little Washington Sailing School is a youth sailing program to encourage children to experience the joy of recreational sailing along the Washington waterfront. The Little Washington Sailing School is made up of dedicated sailing enthusiasts, who have created a Sailing School for the youth of the area. The school has six 14ft Vanguard 420 sailboats used for training students to sail. The

program promotes self-reliance, awareness of safety, sportsmanship, team work, self-confidence and respect for others. Dock "J" is a face dock along the promenade 80 feet in length. Currently, the LWSC has an agreement to utilize 40 feet of the dock space for their sailing craft. They would like to expand their school to include more sail boats and more youth. In order to do this the school would like to utilize all eighty feet of Dock "J".

Ann Kumins and Jeff Woolard with Little Washington Sailing School asked Council to allow them to expand their school to include the remaining 40 feet of space on dock “J” in order to install a floating dock and additional sailboats. The program will be expanded to include 8-10 year old children, thus the need for the inclusion of smaller boats and the need for additional dock space. Jeff Woolard explained he has talked with CAMA and there is no problem with the addition of the floating dock as that falls under the original marina permit approval.

Councilman Mercer noted he is glad the sailing school is doing well and growing. He continued by inquiring if LWSS would remove the floating docks at the end of the season and if they aren’t, he has concerns with that. He stated that during the original request, Council was told that the docks would be removed at the end of the season. Jeff Woolard explained the docks would not be removed, but cleats could be installed on the floating docks to allow boaters the opportunity to tie up to the dock during the off season. The boats are removed at the end of the season, but the docks remain. Dot Moate explained that when LWSS first entered the agreement, they never said they would remove the floating docks and they’ve never been removed, removal of the docks was not included in the original agreement.

GET INVOLVED

With the support of our sponsors, the Little Washington Sailing School will continue to provide children of the community the opportunity to learn the skills needed to sail small boats.

A special thanks to our Foundation Sponsors: Carolina Wind Yachting Center, Cape Fear Boat Yard, Poushi Corp. Aunts, Pacific Sailing Club, Cypress Landing Yacht Club and Pacific Seacraft. We also appreciate the continued support from our other donors and sponsors.

This is our sixth year of operating. The Sailing School endorses to maintain reasonable class fees and has scholarships available for those in need. We depend on private and corporate donations to provide for our ongoing operating and maintenance needs.

We encourage you to support this program. You might consider sponsoring a youth who would not be able to experience the thrill of sailing without your help.

A donation to LWSS is tax deductible. Your support will help give many children an experience of a lifetime, enjoying the beautiful waters of the Pamlico River, while learning the responsibility of skippering a sailboat!

You Can Help! Call (252) 402-7878

ABOUT LWSS

The Little Washington Sailing School is made up of dedicated sailing enthusiasts, who have created a Sailing School for the youth of the area. The club has six 14ft Vanguard 420 sailboats used for training students to sail. The program promotes self-reliance, awareness of safety, sportsmanship, team work, self-confidence and respect for others.

The curriculum introduces seamanship and the fundamentals of sailing for beginners and advanced students according to the U.S. Sailing Association.

Students will be encouraged to help one another with rigging, launching, retrieval and maintenance of boats and equipment. LWSS has U.S. Sailing Association certified instructors to teach the course and volunteers support the program in many different ways.

Register Now! Follow these easy steps:

1. Review details and guidelines online at: www.littlewashingtonsailingschool.org
2. Download an application packet or pick up a copy at: Washington/Beaufort County Chamber of Commerce 102 Stewart Parkway, Washington, NC 252-946-9168.
3. Return completed application with required forms and \$225.00 check to: LWSS, P.O. Box 188, Washington, NC 27889

Ready, Set, Sail!

Little Washington Sailing School

PRESENTS

YOUTH SAILING PROGRAM 2014

BOYS AND GIRLS!

THIS IS YOUR CHANCE TO LEARN HOW TO SAIL THIS SUMMER... VISIT US AT LITTLEWASHINGTONSAILINGSCHOOL.ORG OR CALL (252) 402-7878 TO REGISTER!

IMPORTANT DETAILS:

CLASSES BEGIN JUNE 9TH IN DOWNTOWN WASHINGTON

Classes are for Boys and Girls - Ages 11-18
You **MUST** weigh at least 70lbs.

There are 10 sessions from June 9 - August 15
All classes are Monday through Friday
9:00am - 4:00pm (lunch break from noon - 1:00pm)

No sailing or boating experience necessary!
Must be able to pass a swim test

Class Tuition Fee: \$225

[fb.com/LittleWashingtonSailingSchool](https://www.facebook.com/LittleWashingtonSailingSchool)
[@LWSailing](https://twitter.com/LWSailing)

SUMMER SCHEDULE

ALL-DAY CLASSES • BASIC SAILING
9:00AM - 4:00PM

Week 1:	June 9 - June 13
Week 2:	June 16 - June 20
Week 3:	June 23 - June 27
Week 4:	June 30 - July 4
Week 5:	July 7 - July 11
Week 6:	July 14 - July 18
Week 7:	July 21 - July 25
Week 8:	July 28 - August 1
Week 9:	August 4 - August 8

ALL-DAY ADVANCED CLASS*
9:00AM - 4:00PM

Week 10: August 11 - August 15

* Students accepted at the discretion of the Program Director based on demonstrated proficiency.

QUESTIONS?

Call us at (252) 402-7878 or email us at LittleWashingtonSailing@gmail.com

City Manager, Brian Alligood noted that the Waterfront Docks Advisory Committee has reviewed this item and suggested Council’s approval of this request. Councilman Mercer expressed concern with LWSS (or any other entity) going to a regulatory agency and asking for permission to do something for the City when they have not been given that authority. Mr. Alligood explained that LWSS was only seeking guidance from CAMA; subsequently, John Rodman will be making the application to CAMA on the City’s behalf.

By motion of Councilman Beeman, seconded by Councilman Brooks, Council accepted the recommendation of the Waterfront Docks Advisory Committee and approved the expansion of dock space of the Little Washington Sailing School to include all of Dock "J". Motion carried 4-1 with Councilman Mercer opposing.

ADOPT – ORDINANCE TO AMEND CHAPTER 18, SECTION 18-53 – INTERSECTIONS CONTROLLED BY TRAFFIC SIGNALS AND SECTION 18-77 – STOP INTERSECTIONS, IN REFERENCE TO MARTIN LUTHER KING DRIVE AND GLADDEN STREET

The traffic signal at Martin Luther King Drive and Gladden Street has been on "flash" for several years now. Some time ago, the signal pole in the northwest quadrant of the intersection was apparently stuck by a motor vehicle. In the last few months, this pole appears to have started leaning out over the intersection more from the crease in the pole by the accident. Since the signal has been on flash for such a long period of time and the pole is damaged, staff recommends that this signal be removed. Stop signs are currently in place on Gladden Street at Martin Luther King Drive and have been for some time. The attached ordinance amendment will provide for this.

City Manager, Brian Alligood explained that staff will turn off the signals and bag the signal heads for 1 -1 ½ months, if there are no problems, then the signals will be removed.

By motion of Mayor Pro tem Roberson, seconded by Councilman Beeman, Council adopted an ordinance to amend Chapter 18, Section 18-53 - Intersections controlled by traffic signals and Sec. 18-77 - Stop intersections in reference to Martin Luther King Drive and Gladden Street.

AN ORDINANCE TO AMEND CHAPTER 18, SECTION 53: INTERSECTIONS CONTROLLED BY TRAFFIC SIGNALS AND SECTION 77: STOP INTERSECTIONS OF THE WASHINGTON CITY CODE

BE IT ORDAINED by the City Council of the City of Washington, North Carolina:

Section 1. That Chapter 18 Section 18-53 – Intersections controlled by traffic signals, be amended to delete the following:

Sec. 18-53. Intersections controlled by traffic signals.

Martin Luther King Drive and Gladden Street.

Section 2. That Chapter 18 Section 18-77 – Stop intersections, be amended to add the following:

Sec. 18-77. Stop intersections.

Martin Luther King Drive, from Gladden Street.

Section 3. All ordinances in conflict with this ordinance are hereby repealed.

Section 4. This ordinance shall become effective September 9, 2014.

This the 8th day of September, 2014.

ATTEST:

s/Cynthia S. Bennett
City Clerk

s/Mac Hodges
Mayor

ADOPT – ORDINANCE TO AMEND CHAPTER 8, SECTION 8-10 – REMOVAL AND DISPOSAL OF FLOWERS, DESIGNS AND FRAMES

Cemetery staff has recently had issues with non-immediate family members removing items from grave sites without permission. This revised ordinance is an attempt to define who is allowed to remove items placed at grave sites and hopefully discourage such actions from taking place in the future.

By motion of Councilman Pitt, seconded by Councilman Beeman, Council adopted an ordinance to amend Chapter 8, Section 8-10 - Removal and disposal of flowers, designs and frames of the City Code.

AN ORDINANCE TO AMEND CHAPTER 8, SECTION 10: REMOVAL AND DISPOSAL OF FLOWERS, DESIGNS AND FRAMES OF THE WASHINGTON CITY CODE

BE IT ORDAINED by the City Council of the City of Washington, North Carolina:

Section 1. That Chapter 8 Section 8-10 - Removal and disposal of flowers, designs and frames, be amended to delete the following:

Section 8-10. Removal and disposal of flowers, designs and frames.

Cemetery staff shall remove and dispose of all flowers, designs and frames from graves within thirty (30) days, or earlier if natural flowers deteriorate. The family may collect flowers, designs and frames, if a request is submitted to the General Services Superintendent within two (2) days after they are placed.

Section 2. That Chapter 8 Section 8-10 – Removal and disposal of flowers, designs and frames, be amended to add the following:

Section 8-10. Removal and disposal of flowers, designs and frames.

Cemetery staff shall remove and dispose of all flowers, designs and frames from graves within thirty (30) days, or earlier if natural flowers deteriorate. The immediate family and/or cemetery staff are the only persons allowed to remove flowers, designs and frames from a grave.

Immediate family and/or owner of grave must request written permission from the General Services Superintendent or designee to allow other persons, for example florists or friends, etc., to remove and dispose of flowers, designs or frames from grave site. Removal of any items without approved permission of the General Services Superintendent or designee will be considered desecration of a grave and punishable by law.

The City of Washington is not responsible for loss, theft or damage to flowers, designs or frames. Any such loss or theft should be reported to the General Services Superintendent or designee for future observations of area.

Section 3. All ordinances in conflict with this ordinance are hereby repealed.

Section 4. This ordinance shall become effective September 9, 2014.

This the 8th day of September, 2014.

ATTEST:
s/Cynthia S. Bennett
City Clerk

s/Mac Hodges
Mayor

APPROVE – EAGLE’S WINGS LETTER OF SUPPORT

Eagles Wings is seeking a grant from the USDA to purchase a "new" used fork lift. Please see the attached e-mail from Judy Jennette, Eagles Wings Treasurer. The USDA application is for 55% of the \$14,200 cost of a fork lift with 200 hours of use. Eagles Wings will cover the remaining balance. As part of the application, a letter of support is requested from the local government. Attached is the letter of support.

Greetings Brian,

Eagles Wings is seeking a grant from the USDA to purchase a "new" used fork lift. The old one is - for all intents and purposes - kaput. They are willing to fund 55% of the \$14,200 price. Eagles Wings has enough funds on hand to cover the remainder. It is being purchased through our local Caterpillar dealer. It only has 200 hours of use on it.

However, the USDA is asking for a letter of support from our local government. Would you be willing to prepare a brief one or two paragraph letter on behalf of this request?

This fork lift is a vital piece of equipment when the food truck from the Food Bank of the Albemarle arrives to drop off tons of food. As you can imagine, many of our volunteers are seniors and simply cannot lift the heavy pallets and boxes off of the truck. As a frame of reference, the food pantry in Belhaven has to recruit 30 volunteers to unload their truckload each month.

In 2013, Eagles Wings served more than 5,800 households (or 15,000 individuals). More than half of those served reside in Washington.

I have sent you all of these details so that you can use them in the letter - if you are willing to write it. Please let me know if you are able to help us out with this request! Thanks in advance for considering it!

j
Judy Jennette, Treasurer
EW

Mayor
Mac Hodges

City Manager
Brian M. Alligood



City Council
Larry Beeman
Richard Brooks
Doug Mercer
William Pitt
Bobby Roberson

September 8, 2014

Ms. Kimberly B. Miller
Area Specialist
United States Department of Agriculture
Rural Development
2044-C Hwy. 11/55 South
Kinston, N.C. 28501

Dear Ms. Miller:

On behalf of the Washington City Council, please accept this letter of support for the Eagles Wings grant application. It is the City's understanding that Eagles Wings is applying for a 55% grant to purchase a fork lift and that they will fund the balance of the purchase with cash reserves. Their current fork lift is beyond repair and requires replacing.

A fork lift is a vital piece of equipment when the food truck from the Food Bank of the Albemarle arrives to drop off tons of food. Many of the Eagles Wings volunteers are seniors and simply cannot lift the heavy pallets and boxes off of the truck. As a frame of reference, the food pantry in Belhaven has to recruit 30 volunteers to unload their truckload each month.

In 2013, Eagles Wings served more than 5,800 households (or 15,000 individuals). They report that more than half of those served reside in the City of Washington.

Thank you for your consideration of their grant application and for your acceptance of this letter of support.

Sincerely,

Mac Hodges, Mayor

By motion of Mayor Pro tem Roberson, seconded by Councilman Brooks, Council approved and authorized the Mayor to sign the attached letter of support to the USDA for a grant application from Eagles Wings for the purchase of a fork lift.

**APPROVE –FIRST AMENDMENT TO GROUND LEASE & EASEMENT AGREEMENT AND
SECOND AMENDMENT MEMORANDUM OF LEASE**

The solar farm project at the airport was anticipated to use 34.3 acres of land. After completing the project the final “as-built” survey reflected an additional 1.6 acres of built upon land (total 35.9 acres). These amended documents reflect that change in additional acreage and subsequently the additional lease payment for the same. Duke Energy Renewables paid for all costs associated with these amended documents.

By motion of Councilman Mercer, seconded by Councilman Brooks, Council approved and authorized the City Manager to sign the “First Amendment to Ground Lease and Easement Agreement” and “Second Amended Memorandum of Lease” for the Airport Solar Farm to correct for additional acreage included in the final “as-built” survey.

STATE OF NORTH CAROLINA

FIRST AMENDMENT TO GROUND LEASE AND
EASEMENT AGREEMENT

COUNTY OF BEAUFORT

THIS FIRST AMENDMENT TO GROUND LEASE AND EASEMENT AGREEMENT (this “First Amendment”) is made as of the 22 day of September, 2014, by and between the CITY OF WASHINGTON, a body politic and corporate organized and existing under the laws of the State of North Carolina (“Owner”), and WASHINGTON AIRPORT SOLAR, LLC, a Delaware limited liability company (“Tenant”).

WITNESSETH:

WHEREAS, Owner and Tenant entered into that certain Ground Lease and Easement Agreement with an effective date of November 20, 2013 (the “Lease”), pursuant to which Tenant leased from Owner certain real property lying and being in the City of Washington, Beaufort County, North Carolina, said property being more particularly described in the Lease (the “Site”). Capitalized terms used herein but not otherwise defined shall have the meanings ascribed to such terms as set forth in the Lease;

WHEREAS, Owner and Tenant desire to amend the Lease in order to modify (i) the legal description of the Site described on Exhibit A attached to the Lease and (ii) the survey of Summit Coastal Surveying and Mapping dated November 7, 2013 depicting the Site and attached to the Lease as Exhibit A-1;

NOW THEREFORE, in consideration of the mutual covenants and conditions contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Lease is hereby amended as follows:

1. Legal Description of the Site. The legal description of the Site attached to the Lease as Exhibit A and also as Exhibit A to the form of Memorandum of Lease attached to the Lease as Exhibit D are each hereby deleted in their entirety and replaced with the legal description of the Site attached to this First Amendment as Exhibit A.

2. Survey. The survey depicting the Site and attached to the Lease as Exhibit A-1 and also as Exhibit A-1 to the form of Memorandum of Lease attached to the Lease as Exhibit D are each hereby deleted in their entirety and replaced with the survey depicting the Site attached to this First Amendment as Exhibit A-1.

3. Miscellaneous.

(a) The preambles to this First Amendment are incorporated into the body of this First Amendment as if restated herein.

(b) Except as modified herein, the Lease is hereby ratified and confirmed and the terms, covenants, conditions and agreements contained therein remain in full force and effect. In the event of any inconsistency between the terms of the Lease and the terms of this First Amendment, the terms of this First Amendment shall control.

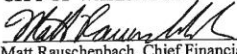
(c) This First Amendment may be executed in counterparts and by facsimile or other electronic transmission, each of which shall be deemed an original.

Execution begins on following page

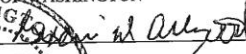
IN WITNESS WHEREOF, the parties have duly executed this First Amendment as of the day and year first above written.

PRE-AUDIT CERTIFICATE

This Amendment has been pre-audited pursuant to North Carolina General Statute §159-28 in the manner required by the Local Government Budget and Fiscal Control Act.

CITY OF WASHINGTON
 (SEAL)
Matt Rauschenbach, Chief Financial Officer

“OWNER”

CITY OF WASHINGTON
By: 
Name: Brian K. Stallman
Title: Vice President

“TENANT”

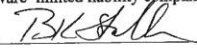
WASHINGTON AIRPORT SOLAR, LLC, a
Delaware limited liability company
By: 
Name: Brian K. Stallman
Title: Vice President

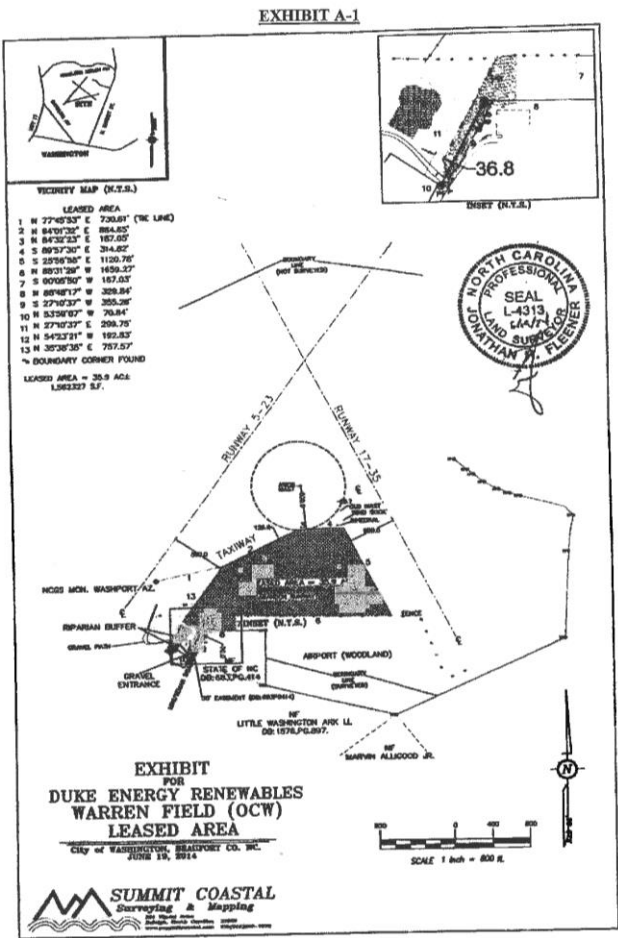
EXHIBIT A

Legal Description of Site

ALL THAT CERTAIN TRACT OR PARCEL OF LAND lying and being in the City of Washington, Beaufort County and consisting of approximately 35.9 acres of land, as more particularly described below and as shown and described on the survey of Summit Coastal Surveying and Mapping dated June 19, 2014, a copy of which is attached hereto as Exhibit A-1.

Commencing from North Carolina Grid Monument “Washport Az Mk”, having state plane coordinates of North: 667,134.35 foot and East: 2,578,299.19 foot, N 77°45’53” E a ground distance of 730.61 feet to the Point of Beginning; thence N 64°01’32” E a distance of 884.65 feet to a point; thence N 84°32’23” E a distance of 187.05 feet to a point; thence S 89°57’30” E a distance of 314.82 feet to a point; thence S 25°56’58” E a distance of 1120.78 feet to a point; thence N 88°31’29” W a distance of 1659.27 feet to a point; thence S 00°05’50” W a distance of 167.03 feet to a point, said point being on the northern boundary line of NC State National Guard as recorded in Deed Book 683, pg. 414, Beaufort Co. Register of Deeds; thence with the NC State National Guard line N 88°48’17” W a distance of 329.84 feet to an iron pipe; thence and continuing with the western line of the NC State National Guard line, S 27°10’37” W a distance of 355.26 feet to a point, said point being west of the centerline of Minuteman Road; thence N 53°59’07” W a distance of 70.84 feet to a point; thence N 27°10’37” E a distance of 299.75 feet to a point; thence N 54°23’21” W a distance of 192.83 feet to a point; thence N 35°38’35” E a distance of 757.57 feet to a Point and Place of Beginning, and having an area of 35.9 acres, more or less.

TOGETHER WITH the right to use that certain thirty (30) foot wide right of way easement for all purposes reserved in that certain Deed of Correction from the County of Beaufort and the City of Washington to the State of North Carolina dated March 15, 1972 and recorded in Book 683 at Page 414 in the Office of the Register of Deeds for Beaufort County, North Carolina.



STATE OF NORTH CAROLINA

COUNTY OF BEAUFORT


SECOND AMENDED
MEMORANDUM OF LEASE

CITY OF WASHINGTON, a body politic and corporate organized and existing under the laws of the State of North Carolina, as LANDLORD, having an address of 102 East Second Street, Washington, North Carolina, 27889, hereby leases to WASHINGTON AIRPORT SOLAR, LLC, a Delaware limited liability company, as TENANT, having an address of c/o Duke Energy Renewables NC Solar, LLC, 550 South Tryon Street – DEC 18A, Charlotte, NC 28202, Attention: Robert Stewart II, for a term beginning on November 20, 2013, and continuing for a maximum period of thirty (30) years, including extensions and renewals, from and after the Commercial Operation Date of February 5, 2014 (i.e., a maximum term expiring February 4, 2044), the following property:

Those certain premises situated in the City of Washington, Beaufort County, North Carolina, consisting of approximately thirty-five and 9/10ths acres of land, as said premises are more particularly shown and described on Exhibit A and incorporated herein by reference.

The provisions set forth in a written Ground Lease and Easement Agreement between the Parties dated the 20th day of November, 2013, as amended, are hereby incorporated in this Memorandum.

“LANDLORD”
CITY OF WASHINGTON
By: *Brian M. Alligood*
Name: Brian M. Alligood
Title: City Manager


CITY OF WASHINGTON (corporate seal)
Attest:
Cynthia S. Bennett
Cynthia S. Bennett, City Clerk

STATE OF NORTH CAROLINA
COUNTY OF BEAUFORT

I, Reatha B. Johnson a Notary Public of the State and County aforesaid, certify that CYNTHIA S. BENNETT personally appeared before me this day and acknowledged that she is City Clerk of the CITY OF WASHINGTON, a North Carolina municipal corporation, and by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by Brian M. Alligood, its City Manager, sealed with its corporate seal and attested by herself as its City Clerk.

Witness my hand and official seal this the 8 day of September, 2014.

Reatha B. Johnson
Notary Public

(Official Seal)



Reatha B. Johnson

Printed Name

My Commission Expires: 12/14/2014

(Signatures continued on following page)

“TENANT”

WASHINGTON AIRPORT SOLAR, LLC, a
Delaware limited liability company

By: BK Stallman

Name: Brian K. Stallman

Title: Vice President

STATE OF OHIO
COUNTY OF HAMILTON

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document: Brian K. Stallman.



E. MINNA ROLFES
Notary Public, State of Ohio
My Commission Expires
July 8, 2017

E. Minna Rolfes
Notary Public

E. Minna Rolfes
Printed Name

My Commission Expires: 7/8/17

EXHIBIT A TO MEMORANDUM OF LEASE

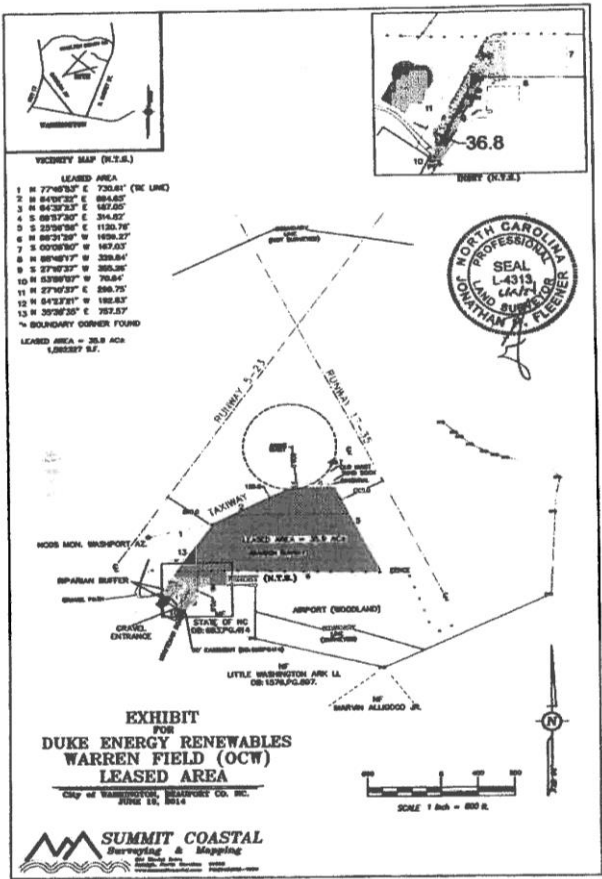
Legal Description of Site

ALL THAT CERTAIN TRACT OR PARCEL OF LAND lying and being in the City of Washington, Beaufort County and consisting of approximately 35.9 acres of land, as more particularly described below and as shown and described on the survey of Summit Coastal Surveying and Mapping dated June 19, 2014, a copy of which is attached hereto as Exhibit A-1.

Commencing from North Carolina Grid Monument "Washport Az Mk", having state plane coordinates of North: 667,134.35 foot and East: 2,578,299.19 foot, N 77°45'53" E a ground distance of 730.61 feet to the Point of Beginning; thence N 64°01'32"E a distance of 884.65 feet to a point; thence N 84°32'23" E a distance of 187.05 feet to a point; thence S 89°57'30" E a distance of 314.82 feet to a point; thence S 25°56'58" E a distance of 1120.78 feet to a point; thence N 88°31'29" W a distance of 1659.27 feet to a point; thence S 00°05'50" W a distance of 167.03 feet to a point, said point being on the northern boundary line of NC State National Guard as recorded in Deed Book 683, pg. 414, Beaufort Co. Register of Deeds; thence with the NC State National Guard line N 88°48'17" W a distance of 329.84 feet to an iron pipe; thence and continuing with the western line of the NC State National Guard line, S 27°10'37" W a distance of 355.26 feet to a point, said point being west of the centerline of Minuteman Road; thence N 53°59'07" W a distance of 70.84 feet to a point; thence N 27°10'37" E a distance of 299.75 feet to a point; thence N 54°23'21" W a distance of 192.83 feet to a point; thence N 35°38'35" E a distance of 757.57 feet to a Point and Place of Beginning, and having an area of 35.9 acres, more or less.

TOGETHER WITH the right to use that certain thirty (30) foot wide right of way easement for all purposes reserved in that certain Deed of Correction from the County of Beaufort and the City of Washington to the State of North Carolina dated March 15, 1972 and recorded in Book 683 at Page 414 in the Office of the Register of Deeds for Beaufort County, North Carolina.

EXHIBIT A-1
To Memorandum of Lease



PUBLIC HEARING – OTHER:

APPROVE – CLOSE OUT OF 2012 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) – OAK RIDGE METAL WORKS BUILDING REUSE PROJECT (#12-E-2404)

Mayor Hodges opened the public hearing. Kevin Richards, Mid-East Commission explained this is a required public hearing to close out a Building Reuse - Community Development Block Grant. This CDBG project involved the State of North Carolina through the Commerce Finance Center, the City of Washington, and Oak Ridge Metal Works. The CDBG – Building Reuse Grant was awarded on March 1, 2013 in the amount of \$320,000.00, which constituted 50% of the total project cost. The project

involved building renovations and up fit of the former Brooks Boatworks facility at 1228 Page Road in the Beaufort County Industrial Park.

Jobs Proposed: 16

LMI Proposed: 10

This project has created the following jobs:

Jobs Created: 33

LMI Created: 22

Percent LMI: 67%

As of August 21, 2014, Oak Ridge Metal Works had 45 full time employees. This grant was monitored by the State for compliance on September 26, 2013. The project is complete and the company did meet the job commitment. This grant can now be closed out.

There being no comments from the public, Mayor Hodges closed the public hearing.

By motion of Councilman Mercer, seconded by Councilman Beeman, Council voted to close out the CDBG – Building Reuse Grant # 12-E-2404 Oak Ridge Metal Works.

ANY OTHER ITEMS FROM CITY MANAGER: NONE

ANY OTHER BUSINESS FROM THE MAYOR OR OTHER MEMBERS OF COUNCIL:

Councilman Mercer discussed the need for Council to prioritize goals for the City Manager; this item will be added to the September 22, 2014 agenda.

Councilman Pitt explained that the deadline for League Advocacy Goals has been extended. City Manager, Brian Alligood noted that a request has been made by Brown Library and the requested goal will be presented to Council on September 22, 2014.

DISCUSSION – SCHEDULING FOR OCTOBER COUNCIL MEETING

The NCLM Annual Conference conflicts with the October 13th Council meeting. By motion of Councilman Mercer, seconded by Mayor Pro tem Roberson, Council agreed to move the October 13th meeting to October 6th.

CLOSED SESSION: NONE

ADJOURN

Mayor Hodges adjourned the meeting at 6:10pm until Monday, September 22, 2014 at 5:30pm in the Council Chambers at the Municipal Building.

Cynthia S. Bennett, CMC
City Clerk